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12 Attorney for Defendants  
13 Air Products Manufacturing Corporation and Air  
Products and Chemicals, Inc.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

SAN FRANCISCO BAYKEEPER, a non-profit corporation,

Case No. 3:19-cv-07518-RS

**STIPULATION TO EXTEND TIME TO  
RESPOND TO COMPLAINT AND TO  
CONTINUE INITIAL CASE  
MANAGEMENT CONFERENCE;  
ORDER AS MODIFIED BY THE  
COURT**

21 Plaintiff,

22 || vs.

23 AIR PRODUCTS MANUFACTURING  
24 CORPORATION; and AIR PRODUCTS AND  
CHEMICALS, INC..

## Defendants.

Case No. 3:19-cv-07518-NC

STIPULATION AND [PROPOSED] ORDER  
TO EXTEND DEFENDANT'S TIME TO  
RESPOND TO COMPLAINT

1 Pursuant to Civil Local Rule 7-12, the parties, Plaintiff, San Francisco Baykeeper, and  
2 Defendants, Air Products and Chemicals, Inc., and Air Products Manufacturing Corporation  
3 (collectively, “Defendants”), by and through their respective counsel, stipulate and request that  
4 the court enter an order extending defendant’s time to file an answer or other responsive pleading  
5 by 90 days. The parties state as follows:

6 || 1. Plaintiff filed its complaint on November 14, 2019.

7       2.      On January 6, 2020, Defendants received by certified mail a copy of the summons  
8 and the complaint, making March 6, 2020, the deadline for Defendants to answer or otherwise  
9 respond to the complaint.

10       3.     On January 21, 2020, based upon the parties' belief that an early settlement in the  
11 matter was possible, the parties filed a Stipulation to Extend Time to Respond to Complaint and  
12 to continue the Initial Case Management Conference. ECF 7. The parties agreed that the initial  
13 case management conference would be continued from February 19, 2020 to April 20, 2020 and  
14 the deadline for Defendants to answer or otherwise respond to the complaint would be continued  
15 to May 5, 2020. The stipulation was granted by Judge Nathanael Cousins on January 1, 2020.

16 4. On January 23, 2020, the case was reassigned to Judge Richard Seeborg. On  
17 January 27, 2020, Judge Seeborg rescheduled the initial case management conference for 10:00  
18 AM on April 23, 2020. ECF No. 14.

19        5.      The parties have since conferred extensively and have made significant progress  
20 toward reaching a resolution. However, the parties' efforts at finalizing a settlement have been  
21 complicated by the current COVID-19 pandemic, which makes it impossible to commit to the  
22 deadlines for design and construction elements of the remedy previously anticipated by the  
23 parties.

24       6.      The parties do not wish to incur further fees in preparing or opposing dispositive  
25 motions at this time given the possibility of settlement, and do not wish to cause the Court to use  
26 its time in considering motions that may be obviated by an early settlement. In an effort to resolve  
27 this matter without further litigation, the parties desire to continue negotiating in good faith to

resolve the issues posed by the COVID-19 pandemic and anticipate reaching a final settlement in this action within an additional ninety (90) days.

7. Plaintiff and defendants are therefore in agreement that Defendants' date to file an Answer or other pleading responsive to the Complaint be extended by 90 days, to August 3, 2020.

8. By Order dated January 27, 2020, the Court set an initial case management conference at 10:00 AM on April 23, 2020. ECF No. 14. The parties further stipulate to continue the initial case management conference from April 23, 2020 to July 22, 2020, or as soon thereafter as the Court is available.

(a) Further deadlines shall correspond to the new Case Management Conference date, such that: The Parties' ADR certifications and stipulations to ADR process or notices of need for an ADR phone conference shall be due one week before the Case Management Conference.

(b) The Parties' Rule 26(f) Report and Joint Case Management Statement shall be due one week before the Case Management Conference.

9. This change will not alter the date of any other event or deadline already fixed by Court order, other than the date of the initial case management conference.

THEREFORE, IT IS HEREBY STIPULATED by and between Plaintiff and Defendants that Defendants will have until August 3, 2020 to respond to Plaintiff's complaint. The parties further respectfully request that the initial case management conference be continued to July 23, 2020.

**SO STIPULATED**

Respectfully submitted,

DATED: April 8, 2020

SAN FRANCISCO BAYKEEPER

By: /s/ M. Benjamin Eichenberg  
M. Benjamin Eichenberg

Attorney for Plaintiff  
San Francisco Baykeeper

1 DATED: April 8, 2020

PAUL HASTINGS LLP

3 By: /s/ Molly Coyne  
4 Molly Coyne

5 Attorney for Defendants  
6 Air Products Manufacturing Corporation and  
7 Air Products and Chemicals, Inc.

8 **ECF ATTESTATION**

9 In accordance with Civil Local Rule 5(i)(3), I, Molly Coyne, attest that I have obtained  
10 concurrence in the filing of this document from the other signatory listed here.

11 **ORDER**

12 PURSUANT TO STIPULATION, IT IS SO ORDERED. Defendants are to answer or otherwise  
13 respond to Plaintiff's complaint by August 3, 2020. The initial case management conference will  
14 be held on July 23, 2020 at 10:00 AM. The parties shall file a joint case management statement  
15 seven days prior to the conference.

16 DATED: April 13, 2020

17 By:   
18 Hon. Richard Seeborg  
19 United States District Court Judge

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